

February 14, 2010

Brette Schell

Colorado Mined Land Reclamation Board
Attn: Irene Stanton
1313 Sherman Street, Room 215
Denver, CO 80203

RE: *Rulemaking for Mining - 1161*

Dear Ms. Stanton,

Normally, I do not right to regulatory boards. But, our economy has been strangled by ever more onerous regulations that bear no sensible relation to the practical concerns of modern technologies. In this case, Colorado is blessed with a natural resource that is confined in a geologic stratum that lends itself to extraction via the world's most environmentally sensitive technology – in situ recovery. The rules should be designed to meet the standards set forth in the bill, *and* take advantage of the many benefits of ISR.

There is no benefit to be gained by preventing an operator to supplement its initial baseline data with data gained after the permit is obtained and *prior* to production. Recent news articles try to persuade the public that operators seek to supplement with data obtained *after* production begins. I hope you will not be persuaded by such foolishness.

The statutes of the State of Colorado are implemented with the intention of allowing individuals to provide for themselves gainful employment. Any provision that restricts an individual's right to provide for his own welfare must be undertaken with the greatest of caution. Your "blackball" provision is currently too broadly written to overcome a legal challenge. It must be re-written with extreme specificity that looks toward actual violations that resulted in actual harm to health or environment.

There are longstanding reasons that third parties are not allowed access to trade secrets involved in the prospecting and exploration phases of mineral development. Those opposed to mining seek an avenue to thwart development of private resources. There is no data to support their involvement would protect any vital state interest. Conversely, third party involvement will inhibit utilization of private property rights by allowing opportunistic individuals to take advantage of the work performed by private operators. Transparency is important after an application for an operating permit has been filed. Privacy is vital prior to an operator making the decision to invest vast resources in a business venture.

Sincerely,



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Division of Reclamation,
Mining and Safety